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| EXAMINER |
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AVELLINO, JOSEPH E

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/052,612
Filing Date: January 17, 2002
Appellant(s): PISUPATI, RAVIKUMAR

Steven Nichols
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 22, 2008 appealing from the Office action mailed May 23, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-------------------|---------------------|---------|
| US 20020087619 A1 | Tripathi, Sharad C. | 07-2002 |
| US 7231445 B1 | Aweya; James et al. | 06-2007 |
| US 5819110 A | Motoyama; Tetsuro | 10-1998 |

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US 6480901 B1 Weber; Bret S. et al. 11-2002

US 20020156876 A1 Hartman, Robert Charles et al. 10-2002

Peterson et al. ("Computer Networks: A Systems Approach" Kaufmann Publishers; copyright 2000; pages 634-640).

"Official Notice" is taken that both the concepts and advantages of providing for a firewall to protect an email processing center is well known and expected in the art as stated in claim 8. Appellant has failed to traverse this assertion and therefore has been taken as admitted prior art.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4-6, 11, 13, 15, 16, and 21 are rejected under 35 USC 103(a) as being unpatentable over Tripathi (US 2002/0087619) in view of Aweya et al. (USPN 7,231,445) (hereinafter Aweya) in view of Peterson et al. (Computer Networks: A Systems Approach; Morgan Kaufmann Publishers; copyright 2000, pages 634-640) (hereinafter Peterson).

1. Referring to claim 1, Tripathi discloses a computer network for providing service (e.g. abstract) comprising:

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a plurality of computing elements each of which comprise general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services (i.e. request service relevant to a server), wherein said services are controlled or operated by commands or data transmitted by email (i.e. mail agent 350 receives email from client 310 via network and, based on the commands in the email, will contact servers 330, 340 to effect control of a command found within the email) (Figures 3,4, ref. 300, B430; p. 2, ¶ 30);

a redirector (i.e. mail agent) communicatively coupled to a mail server (any entity which receives mail inherently requires a connection to a mail server) and to each of the computing elements (i.e. servers 330 and 340), wherein said redirector receives email from the client via mail server, wherein each email contains a command or data specific for a service, with or without being addressed to a specific computing element (i.e. the email is directed to the mail agent), and wherein said redirector is configured to selectively match an computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element (i.e. email message may specify whether the service requested relates to a specific server), and forward at least a portion of the email to that computing element so as to delivery said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing systems (i.e. mail agent receives an email which requests a particular service and may decipher the email message to ascertain the nature of the service requested by the user, and perform the service) (¶ 30-34);

wherein said electronic services are controlled by said email routed by said redirector among said plurality of computing elements (i.e. the elements are controlled based on the commands received in said email) (§ 30-34).

Tripathi does not specifically state that the redirector matches the request to an available computing element, rather the mail agent merely returns the data when a command is received. In analogous art, Aweya discloses an admission control process which can forward a request to an available web server system (col. 10, lines 15-28). It would have been obvious to one of ordinary skill in the art to combine the teaching of Aweya with Tripathi in order to utilize the admission control process of Aweya with a plurality of mail agents of Tripathi in order to redirect client requests to other web server systems when the present mail agent resources are running low, thereby reducing the likelihood of having to queue requests or even dropping requests as supported by Aweya (col. 10, lines 15-28).

Tripathi does not explicitly state the use of a mail server for receiving and routing email. In analogous art, Peterson discloses another computer network which uses an email server (i.e. mail gateway) to route mail from a sender to a recipient (Figure 9.6; p. 638: "in many cases the mail traverses one or more mail gateways on its route from the sender's host to the receiver's host"). It would have been obvious to one of ordinary skill in the art to combine the teaching of Peterson with Tripathi in order to provide an efficient method to have mail be routed to the correct recipient.

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2. Referring to claim 4, Tripathi discloses the redirector comprises a service handler for extracting an access function from incoming email messages (i.e. service) and the service handler complies with the extracted access function by transmitting commands or data to at least one of the plurality of computing elements supporting said services (i.e. mail agent performs the service to produce a service outcome) (¶ 24).

3. Referring to claim 5, Tripathi discloses said commands or data comprises a service (i.e. execute actions, commands to enumerate status information, commands to set various parameters clearly fall within the definition of a “service”) (¶ 24).

4. Referring to claim 6, Tripathi discloses the commands or data comprises a specified location where a service can be accessed (i.e. service performer 120 may contact server 120, obtain health information from server and generate service outcome) (Figure 3; ¶ 26).

5. Claims 11, 13, 15, 16, and 21 are rejected for similar reasons as stated above.

Claims 2, 3, 8, 9, 12, 17, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripathi-Aweya-Peterson in view of Motoyama (USPN 5,819,110).

6. Referring to claim 2, Tripathi- Aweya-Peterson discloses the invention substantively as described in claim 1. Tripathi-Aweya-Peterson does not specifically

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disclose the computing elements have a service handler configured to extract the service function from the email message. In analogous art, Motoyama discloses another computer network for providing services comprising each of the computing elements has a service handler (i.e. parsing process) (Figure 7; col. 7, line 62 to col. 8, line 10); and

said service handler on a computing element extracts an access function (i.e. action) from an incoming email message and complies with said extracted access function (Figure 6; col. 7, line 62 to col. 8, line 10).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Motoyama with Tripathi-Peterson in order to allow the remote user of Tripathi (i.e. client 110) the ability to know the machine's capabilities, thereby ensuring that the user is fully aware what commands the devices can and cannot, or will not, execute, thereby increasing customer interaction.

7. Referring to claim 3, Tripathi-Peterson discloses the invention substantively as described in claim 1. Tripathi-Peterson does not specifically disclose the redirector routes email messages, rather interprets them. In analogous art, Motoyama discloses another computer network for providing services comprising a mail router (i.e. mail server) for routing email messages (col. 7, lines 27-44). It would have been obvious to one of ordinary skill in the art to combine the teaching of Motoyama with Tripathi-Peterson in order to allow the remote user of Tripathi (i.e. client 110) the ability to know the machine's capabilities, thereby ensuring that the user is fully aware what commands

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the devices can and cannot, or will not, execute, thereby increasing customer interaction.

8. Referring to claim 8, Tripathi-Peterson discloses the invention substantively as described in claim 1. Tripathi-Peterson does not specifically disclose using a firewall. In analogous art, Motoyama discloses another computer network for providing services comprising a firewall 14 (Figure 1) through which email messages are received, said redirector being protected within said firewall (Figure 1; col. 7, lines 7-45). Motoyama does not disclose that the redirector and email server are protected via a common firewall, however it is well known that firewalls can protect computing entities from a wide area network. BY this rationale, "Official Notice" is taken that both the concept and advantages of providing for a firewall to protect the email processing center is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the teaching of Motoyama and Tripathi-Peterson in order to allow the email processing center 100 the ability to ward off attacks and viruses from hackers. It would have been obvious to one of ordinary skill in the art to combine the teaching of Motoyama with Tripathi-Peterson in order to allow the remote user of Tripathi (i.e. client 110) the ability to know the machine's capabilities, thereby ensuring that the user is fully aware what commands the devices can and cannot, or will not, execute, thereby increasing customer interaction.

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9. Referring to claim 9, Tripathi-Peterson discloses the invention substantively as described in claim 1. Tripathi-Peterson further discloses various web clients on the network (Tripathi: Figure 1, ref. 110). As shown above, a LAN can be protected from the WAN via a firewall. Therefore one of ordinary skill in the art would find it obvious that the web client is within the firewall communication with the redirector to obtain access to said services since it would ward off attacks and viruses from hackers.

10. Claims 12, 17, 18, and 24 are rejected for similar reasons as stated above. Furthermore Motoyama discloses sending a response email message following compliance with said extracted access function (col. 8, lines 1-10).

Claims 10, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripathi-Aweya-Peterson in view of Motoyama in view of Weber et al. (USPN 6,480,901) (hereinafter Weber).

11. Referring to claim 10, Tripathi-Peterson-Motoyama discloses the invention substantively as described in claim 9. Tripathi-Peterson-Motoyama does not specifically disclose generating web pages related to the services of the web client. In analogous art, Weber disclose the proxy server generating web pages related to the services for the client (Figure 7; col. 14, lines 23-41). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Weber with Tripathi-Peterson-Motoyama in order to allow the email clients of Motoyama to address

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the proxy server system of Weber in order to be able to incorporate a plurality of different devices utilizing different protocols to the network without requiring the user know beforehand what the specific form for the protocol and device in question, thereby providing a common platform for management as well as only one point wherein updates are required, thereby reducing complexity of the overall system.

12. Claims 19-20, are rejected for similar reasons as stated above.

Claims 14, 22, 23, 26-29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripathi-Aweya-Peterson in view of Hartman et al. (US 2002/0156876) (hereinafter Hartman).

13. Referring to claims 14 and 22, Tripathi-Peterson discloses the invention substantively as described in claim 1. Tripathi-Peterson do not explicitly disclose launching a service on one of the computing elements. In analogous art, Hartman discloses a server (i.e. applications management server 12) which receives a request from a user in order to launch a service (e.g. abstract; ¶¶19-21). It would have been obvious to one of ordinary skill in the art to combine the teaching of Hartman with Tripathi-Peterson in order to provide the applications management server 12 of Hartman as the servers 330, 340 of Tripathi, since Tripathi discloses that the preformatted messages include commands to execute actions (Tripathi: ¶ 24), this would motivate one of ordinary skill in the art to find other commands which could be

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used to further configure the particular server, thereby incorporating Hartman and its method of installation of services.

14. Referring to claim 23, Tripathi discloses determining on which computer element to launch the service (i.e. based on the received emails, it will determine which computer needs the particular commands executed) (Tripathi: “service requested relates to a specific server” ¶ 30).

15. Claims 26-29, and 31 are rejected for similar reasons as stated above.

16. Referring to claim 32, Hartman discloses the specified location comprises a URL address (¶17).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tripathi-Aweya-Peterson-Motoyama in view of Hartman.

17. Referring to claim 25, Tripathi-Peterson-Motoyama discloses the invention substantively as described in claim 24. Tripathi-Peterson-Motoyama do not explicitly disclose that the service handler downloads a service from an address taken from an incoming email message. In analogous art, Hartman discloses another computer network system which downloads a service from a particular address to install the service on the computer (¶19-21). It would have been obvious to one of ordinary skill in

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the art to combine the teaching of Hartman with Tripathi-Peterson-Motoyama in order to provide the applications management server 12 of Hartman as the servers 330, 340 of Tripathi, since Tripathi discloses that the preformatted messages include commands to execute actions (Tripathi: ¶ 24), this would motivate one of ordinary skill in the art to find other commands which could be used to further configure the particular server, thereby incorporating Hartman and its method of installation of services.

(10) Response to Argument

Appellant's arguments (Brief, pages 10-25) have been fully considered and are addressed below.

Appellant argues, in substance, that the references of record do not disclose "said redirector is configured to selectively match an available computing element with a specific computing element with a specific service request whether or not said email is addressed to a specific computing element" (Brief, pages 13-14). The Examiner disagrees. Appellant states that the incoming email message will "specify the service requested relates to a specific server...or another computer within a network...or to all servers" (Brief, page 14, also Tripathi, ¶ 30). Appellant believes that this explicitly states that an email is addressed to **a specific computing element**. The Examiner interprets the phrase "a specific computing element" as **a single computing element**. The

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Examiner does not understand how associating a specific service to all servers, constitutes the email being addressed to a single specific computing element, rather a service related to all servers is addressed to a plurality of computing elements, and does not address a specific computing element. If a service is being performed on all the servers, then it does not address a specific computing element. Furthermore any and all emails within the system of Tripathi are addressed to the mail agent, not to the servers (the claimed specific computing element). By this rationale, Tripathi does not teach away from the claimed invention, and therefore the rejection should be maintained.

Appellant argues, in substance, that Tripathi does not disclose a component, like the claimed redirector, that is able to process an email and selectively match an available computing element with a service request, rather the mail agent 130 is only described as receiving emails that specify which of the servers that message relates to and that nowhere is it taught that the mail agent may choose which server gets the service request based on resource availability (Brief, page 14). The Examiner agrees. Tripathi teaches receiving an email for a specific service (whether or not a specific computing element is addressed), and performing the service (see rejections above). Aweya discloses another web service processing system which discloses receiving a request for a service, and, based on resource availability, will determine which server to route the request (see rejection above). It is the combination of Tripathi in view of Aweya which meet the claimed invention. As stated in the Final Rejection dated

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January 15, 2008 (hereinafter simply “the Final Rejection”), Appellant is arguing against the references individually, and, as stated in the Final Rejection, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As outlined above, the combination of Tripathi-Aweya-Peterson clearly meet the claimed limitations. By utilizing the system of Aweya to service requests received, utilizing the email system of Tripathi, clearly meets the claimed invention and therefore the rejection should be maintained.

Appellant argues, in substance, that it would not have been obvious to combine the teachings of Tripathi with Aweya since Aweya has absolutely nothing to do with email or routing email and does not teach or suggest anything similar to the claimed email redirector (Brief, pages 14-15). The Examiner disagrees. While the Examiner does agree with Appellants statement that Aweya is not directed to routing email, it clearly is analogous art, since it is within Appellant’s field of endeavor (i.e. providing and routing services to end users). The fact that email is not used is irrelevant, since that once a request is received by the claimed redirector, email is unnecessary, rather that a portion of the email (i.e. service request) is forwarded to the particular computing element. If the clients of Aweya utilized email to send requests, this would virtually accomplish the same feature. By combining Aweya with Tripathi, one of ordinary skill in

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the art would clearly be able to meet the claimed limitations and therefore the rejection should be maintained.

Appellant argues, in substance, that the combination fails to do not teach or suggest "said redirector is configured to selectively match an available computing element with a specific service request of an incoming email....and forward at least a portion of the email to that available computing element" (Brief, pages 17-18). The Examiner disagrees. Appellant is incorrect as to the interpretation of the cited references. Keeping in mind that the available computing element is determined by the redirection system described in Aweya, the information within the email of Tripathi is forwarded to the particular server element where the service is performed. In order to perform that particular service, relevant information must be extracted and forwarded to the particular server which performs the particular service (Tripathi: ¶ 28, "execute an action on the server" (in order to recognize what action to execute, the server [read claimed specific computing element] must know what action to execute, which is information from the email), and ¶ 30 "relates to a specific server or applicable to ...all such servers"; Aweya: e.g. abstract, "distributing web server requests"). This clearly shows that the combination of references meet the claimed limitations and therefore the rejection is maintained.

Appellant reiterates the same arguments refuted above for independent claim 11 (Brief, pages 18-20), and, for the sake of brevity, the Board is respectfully referred to the above.

Appellant argues, in substance, that the cited references do not teach loading the extracted service to one of said computing elements with available computing resources as stated in claim 14 (Brief, page 20). The Examiner disagrees. Appellant also alludes to the point that claim 14 was not included in any of the rejections of the final Office Action. The Examiner agrees. Appellant is directed to the Non-Final Rejection dated May 23, 2008 (pages 9-10) which corrected this deficiency. The Non-Final Rejection clearly demonstrates that the cited references teach the limitations of claim 14. By this rationale, the rejection should be maintained.

Appellant argues, in substance, that the cited references do not teach the commands comprise a specified location from which a service is to be obtained as stated in claim 15 (Brief, pages 20-21). The Examiner disagrees. Appellant also alludes to the point that claim 15 was not included in any of the rejections of the final Office action. Appellant will appreciate that claim 15 is rejected for similar reasons as stated above since it essentially recites similar limitations as found in claim 6. By this rationale, the claimed limitations are met by the cited references and therefore the rejection should be maintained.

Appellant does not provide any substantive arguments for claims 2, 3, 12, 17, 18, and 24 other than to say that Motoyama does not teach or suggest the claimed redirector (Brief, page 21). Since Appellant has not provided any other arguments other than those previously refuted, for the sake of brevity, the Board is respectfully referred to the above in the determination of patentability of claims 2, 3, 12, 17, 18, and 24.

Appellant argues that the fact that Appellant has not traversed the Examiner's "Official Notice" is irrelevant, since the examiner has not met the claimed limitation of the server and redirector being protected within a common firewall (Brief, pages 21-22). The Examiner disagrees. One of ordinary skill in the art would clearly understand that any number of devices can be on both sides of the firewall (see Motoyama: Figure 1). It would be within the skills of one of ordinary skill in the art to provide a common firewall for the redirector and the mail server. Furthermore, it has been held obvious to make things integral. See *In re Larson* 144 USPQ 347 (CCPA 1965). By integrating the firewall for the mail server with the firewall for the redirector, one of ordinary skill in the art would clearly understand that they would be behind a common firewall and could easily be on the same LAN or network. By this rationale, the rejection should be maintained.

Appellant argues, in substance, that the cited references fail to disclose a web client within said firewall communicating with said redirector to obtain access to said services. The Examiner disagrees, the statement "to obtain access to said services" is

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a statement of intended use, and therefore holds no patentable weight. Furthermore Motoyama clearly shows web clients (i.e. workstations) behind a firewall 14, 50 (Motoyama: Figure 1). This clearly shows that web clients can be behind a firewall and therefore one of ordinary skill in the art would understand that those clients can utilize the system without going external to the firewall if the redirected is on the same LAN. By this rationale, the rejection should be maintained.

Appellant has failed to provide any substantive arguments for claims 10, 19, 20 (Brief, page 23), and, for the sake of brevity, the Board is respectfully referred to the comments above.

Appellant asserts that the prior art does not teach the email redirector and the claimed service handler that automatically obtains an electronic service using an incoming email and installing that service on the computing element corresponding to the service handler (Brief, pages 24-25). The Examiner disagrees. As stated above, the combination of Tripathi-Aweya-Peterson-Hartman clearly meet the claimed limitations and therefore the rejection should be maintained.

Appellant does not provide any substantive argument for claim 25 (Brief, page 25), and, for the sake of brevity, the Board is respectfully referred to the previously refuted arguments.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Joseph E. Avellino/

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/Jeffrey Pwu/

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